

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: WENDY NICOLE SPINNER, R.M.A.
Registration Number: 0031-003173
Expiration Date: May 31, 2016
Case Number: 170514

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing (“Board”) regarding your registration to practice as a medication aide in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board.
DATE AND TIME:	December 1, 2016 at 1:00 p.m.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice as a medication aide in the Commonwealth;

- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your registration, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

1. Deadline for filing materials: November 23, 2016. Submit five copies of all documents you want the Board to consider to Brenda Krohn, R.N., M.S., Deputy Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to materials, in writing, to Brenda Krohn, R.N., M.S., Deputy Executive Director, at the above address: November 23, 2016. NOTE: the failure to object to materials does not deprive you of the right to contest their contents at the proceeding.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **November 23, 2016**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **November 23, 2016**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Wendy Nicole Spinner, R.M.A., was registered to practice as a medication aide in the Commonwealth of Virginia.
2. Ms. Spinner violated Virginia Code § 54.1-3007(2), (5), and (6) and 18 VAC 90-60-120(2)(c) of the Regulations Governing the Registration of Medication Aides (“Regulations”) in that:
 - a. During the course of her employment with Campbell Rest Home, Bedford, Virginia, in or about September and October 2015, by her own admission, Ms. Spinner diverted hydrocodone/APAP (C-II) and tramadol (C-IV) on multiple occasions for her personal and unauthorized use, which she accomplished by signing out PRN medications for a resident and failing to account for administration, return or wastage.
 - b. During the course of her employment with Heritage Green Assisted Living Facility, Virginia, by her own admission, between January and March 2016, Ms. Spinner diverted tramadol and lorazepam.
 - c. During the course of her employment with Runk & Pratt, by her own admission, in or about 2014 and 2015, Ms. Spinner diverted tramadol for her personal and unauthorized use.
3. Ms. Spinner violated Virginia Code § 54.1-3007(2) and 18 VAC 90-60-120(2)(e) of the Regulations in that on her May 6, 2015, application for employment with Campbell Rest Home, she failed to disclose that her employments with Runk & Pratt, Grace Lodge, and Johnson Senior Center had been terminated.
4. Ms. Spinner violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice as a medication aide due to substance abuse, as evidenced by her admission that she is in intensive

substance abuse treatment, has an addiction to tramadol, used mood-altering medications while on duty, and has a diagnosis of opioid dependence.



Brenda Krohn, R.N., M.S.
Deputy Executive Director
Virginia Board of Nursing



Date